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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/244,190	02/04/1999	KUNIAKI KOGA	12407	3452
23389	7590	01/08/2003	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			ZIMMERMAN, BRIAN A	
		ART UNIT	PAPER NUMBER	
		2635		
DATE MAILED: 01/08/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/244,190	KOGA, KUNIAKI	
	Examiner	Art Unit	
	Brian A Zimmerman	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 November 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

EXAMINER'S RESPONSE

Status of Application

In response to the applicant's amendment received on 11/4/02. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-18 remain unpatentable for the reasons set forth in this office action:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,2,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (4965569) and either Sone (5793304), Burgan (6166621) or McLaughlin (4975694).

Bennett shows a pager that present previously received messages. If a new message is received during the presenting of previously received messages the presenting is temporarily stopped and a new message is then presented. See figures 9A, 9B, 10A, 10B and their descriptions especially, col. 17 lines 29-36, lines 60-63 and elements 356 and 364 of figure 12A. Bennett differs from the claimed invention in that the presentation of the messages in Bennett is audible, while the presentation of the messages in the claimed invention is by display. One of ordinary skill in the art of

pgers is well aware that pagers can use displays to display the stored page information equally as well as the audible storage and playback of Bennett.

In an analogous art Sone, Burgan and McLaughlin each teach a pager that is used display messages. Sone, Burgan and McLaughlin show displaying messages in one of a plurality of formats and displaying other (or additional) messages in a different format. The difference in the display formats is used to convey that the messages have different characteristics. See Sone col. 1 lines 33-36, Burgan Figure 6 and McLaughlin figure 7. This aids the user in knowing the type of message being presented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed different types of messages in different fashions for displaying the messages being presented in the Bennett system in order to aid the user in knowing the type of message being presented.

2. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett and Sone, Burgan and McLaughlin as applied to claims 1 and 10 above, and further in view of Fennell (5430436).

In an analogous art, Fennell shows displaying common messages (equivalent to the already received messages of Bennett) in one format while displaying special messages (equivalent to new messages) in a different format. The difference in the formats is that one includes highlighting. See col. 3 lines 34+. This aids the user in knowing the type of message being presented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used displayed different types of messages in different fashions for displaying the messages being presented in the above modified system in order to aid the user in knowing the type of message being presented.

3. Claims 4-9 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett and Sone, Burgan and McLaughlin as applied to claims 1 and 10 above, and further in view of Nakajima (4477807).

In an analogous art, Nakajima shows a paging system where the messages are displayed in a sequential order based upon their arrival. See abstract. This allows the user to be aware of the importance of the received messages. The examiner takes official notice that tracking the arrival by time stamps of FIFO memory are both very common manners in the art to track the arrival sequence of messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed received messages sequentially in the above-modified system in order to aid the user in determining the importance of the messages.

Response to Arguments

Applicant's arguments filed 11/4/02 have been fully considered but they are not persuasive.

The applicant argues that Bennett does not teach or suggest effecting the appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the new messages when the new message is received by the receive unit during the display of the first message. Here, the applicant argues against the reference individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Bennett is cited for providing an indication to the user that the new message received during the display mode, is not a previously stored message. Other references are then cited for teaching or suggesting using first and second display attributes to provide different indications to the user.

The applicant argues that the Bennett does not teach simultaneous appearance of a first display attribute and a second display attribute. It is pointed out that this limitation does not appear in the present claims and is therefore not persuasive.

The applicant argues that neither Sone, Burgan nor McLaughlin show effecting the appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the new messages when the new message is received by the receive unit during the display of the first message. Here again, it is pointed out that One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re*

Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Bennett is cited for providing an indication to the user that the new message received during the display mode, is not a previously stored message. Other references are then cited for teaching or suggesting using first and second display attributes to provide different indications to the user.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BaZ
January 7, 2003